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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,382	08/02/2001	Jiaming Huang	TI-29593	6911

23494 7590 07/03/2003

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EXAMINER
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VINH, LAN

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 07/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/921,382	<b>Applicant(s)</b> HUANG ET AL.
<b>Examiner</b> Lan Vinh	<b>Art Unit</b> 1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 April 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-6, 12, 13 and 15 is/are pending in the application.

4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 12, 13 and 15 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s)      6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 11, 12, 13 been renumbered 12, 13, 15

Claim 11 is missing. Correction is required

2. For the purpose of examination, claims 11, 12, 13 are examined as claims 12, 13, 15 because they recite the claim language of original claims 12, 13, 15.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 12, 13, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Winniczek et al (US 6,228,278).

Winniczek discloses a method for determining an etch endpoint in a plasma processing system, the plasma system having an RF power source connected to a plasma system/chamber by a network consisting of a capacitor and resistor/a matching network (fig. 4 ). This method comprises the steps/actions of:

using monitoring circuitry 402 to monitor/measure the voltage at node 250 (compensating voltage/voltage difference) across a resistor/an element in a network consisting of a capacitor and resistor/matching network (col 5, lines 64-65; col 6, lines 40-41 and fig. 4 shows that the resistor is located outside of the plasma system )

the end of the etch may also be evidenced by a sharp downward slope /decrease of the compensating voltage curve 302 within a predetermined time, the end of the etch is typically evidence by a clearly discernible change in the compensating voltage ( col 6, lines 24-30; fig. 3 shows the compensating voltage curve 302 decreases/drops more than 5% ( not less than 5%) from 0.5 to 0 V, which reads on stopping etch when the voltage decreases a predetermined amount within a predetermined time

The limitation of using a resistor as an element, as recited in claim 13, has been discussed above.

Regarding claim 15, fig. 3 of Winniczek shows a voltage drops (curve 302) of more than 5% from 0.5 to 0 V, which reads on a claimed voltage drop of not less than 5%. Winniczek also discloses that the compensating voltage/voltage change may decrease as the etch progress to the end within a time period of 100 sec (col 6, lines 18-21; fig. 3

), which reads on a voltage drops of not less than 5% from a reference voltage within a predetermined time of not less than 3 seconds.

***Response to Arguments***

5. Applicant's arguments with respect to claims 12, 13, 15 have been considered but are moot in view of the new ground(s) of rejection.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bashir et al (US 5,856,239) discloses that etch endpoints is an etch parameters (col 2, lines 50-52 )

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Vinh whose telephone number is 703 305-6302. The examiner can normally be reached on M-F 8:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on 703 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9310 for regular communications and 703 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.



LV  
June 30, 2003